

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
HOME OFFICE BALTIMORE, MD 21203

FILED  
U.S. DISTRICT COURT  
BALTIMORE, MD  
BOND NUMBER CGB 8797759

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES DISTRICT COURT  
DISTRICT OF MASS.

SIGNATURES NETWORK, INC.,  
a Delaware corporation,

Plaintiff,

vs.

Undertaking for  
Temporary Restraining Order,  
Order of Seizure and Preliminary  
Injunction

JOHN DOES 1-100, individuals,  
JANE DOES 1-100, individuals,  
and XYZ COMPANY, business  
entity form unknown, inclusive,

Civil Action No. 05 - 10628 RWZ

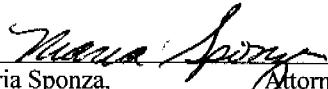
Defendants.

WHEREAS, by an Order of the above entitled Court, Plaintiff is required to file an undertaking in the sum of **FIVE THOUSAND AND 00/100THS -----(\$5,000.00)DOLLARS**, pursuant to a Temporary Restraining Order, Order of Seizure and Preliminary Injunction restraining and enjoining Defendants, from the commission of certain acts as more fully set forth in said Order.

NOW, THEREFORE, the **FIDELITY & DEPOSIT COMPANY OF MARYLAND** a corporation organized and existing under the laws of Maryland and authorized to transact the business of Surety, in the State of New York at 105 East 17<sup>th</sup> Street, New York, NY 10003, as Surety, in consideration of the premises and the issuance of said Temporary Restraining Order, Order of Seizure and Preliminary Injunction does hereby undertake to pay all costs and disbursements that may be decreed to said Defendants and such damages not exceeding the amount of **FIVE THOUSAND AND 00/100THS -----(\$5,000.00)DOLLARS**, as Defendants may sustain by reason of said Order the same be wrongful and without sufficient cause.

IN WITNESS WHEREOF, we have set our hand and seal on the 31<sup>st</sup> day of March, 2005.

FIDELITY & DEPOSIT COMPANY OF MARYLAND

  
Maria Sponza, Attorney-In-Fact

STATE OF NEW YORK

COUNTY OF NEW YORK

I, Maria Sponza, Attorney-in-Fact of the **Fidelity and Deposit Company of Maryland**, have compared the foregoing Resolution with the original thereof as recorded in the Minute Book of said Company, and do hereby certify that the same is a true and correct transcript therefrom and of the whole of said original Resolution, and that the said Resolution is still in full force and effect.

Given under my hand and the seal of the Company,  
at the City of New York, this 31<sup>st</sup> day of March, 2005.

Maria Sponza

\_\_\_\_\_  
Attorney-in-Fact

STATE OF NEW YORK

COUNTY OF NEW YORK

On the 31<sup>st</sup> day of March, 2005, before me personally came **Maria Sponza**, resides at 60 East 42nd Street, New York, New York, State of New York, that she is Attorney-In-Fact of **Fidelity and Deposit Company of Maryland**, the corporation described in and which executed the within instrument; that she knows the corporate seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by the Board of Directors of said corporation, and that she signed her name thereto by like order; and that the Fidelity and Deposit Company of Maryland is duly authorized to transact business in the State of New York in pursuance of the statutes in such case made and provided; that the Superintendent of Insurance of the State of New York, has, pursuant to Chapter 28 of the Consolidated Laws of the State of New York, known as the Insurance Law, issued to the Fidelity and Deposit Company of Maryland a Certificate of Solvency and of Qualification to become surety or guarantor on all bonds, undertakings, recognizances, guarantees and other obligations required or permitted by law; and that such certificate has not been revoked.

Anita Hunter  
\_\_\_\_\_  
Notary Public

ANITA HUNTER  
Notary Public, State of New York  
No. 43-4828271  
Qualified in Richmond County  
Commission Expires April 30 2007

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Sybil LEVINE, Maria SPONZA, Anita HUNTER, Margaret MC LAUGHLIN and Carol LEVINE, all of New York, New York, EACH its true and lawful agent and Attorney-in-Fact to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Maria SPONZA, Anita HUNTER, Carol LEVINE, Sybil LEVINE, Margaret MC LAUGHLIN, dated August 5, 2004.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 26th day of August, A.D. 2004.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



*Eric D. Barnes*

By:

Eric D. Barnes Assistant Secretary

*Theodore G. Martinez*

Theodore G. Martinez

State of Maryland } ss:  
 City of Baltimore }

On this 26th day of August, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Dennis R. Hayden*

Notary Public

My Commission Expires: February 1, 2005

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

**EXTRACT FROM BY-LAWS OF COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

**CERTIFICATE**

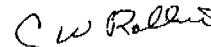
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the respective By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990 and of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies,

this 31st day of March, 2005.



*Assistant Secretary*



## FIDELITY AND DEPOSIT COMPANY

OF MARYLAND  
3910 KESWICK ROAD, BALTIMORE, MD 21203

**Statement of Financial Condition**  
**As Of December 31, 2003**

**ASSETS**

Bonds.....	\$ 125,371,211
Stocks .....	35,569,210
Mortgage Loans.....	2,514,286
Cash in Banks and Offices and Short Term Investments.....	1,188,921
Other Accounts Receivable.....	1,455,823
<b>TOTAL ADMITTED ASSETS.....</b>	<b>\$ 166,099,451</b>

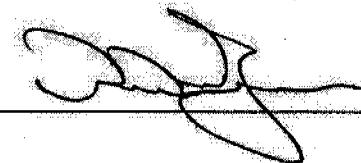
**LIABILITIES, SURPLUS AND OTHER FUNDS**

Reserve for Taxes and Expenses.....	\$ 154,962
<b>TOTAL LIABILITIES.....</b>	<b>\$ 154,962</b>
Capital Stock, Paid Up.....	\$ 5,000,000
Surplus.....	160,944,489
Surplus as regards Policyholders.....	165,944,489
<b>TOTAL.....</b>	<b>\$ 166,099,451</b>

Securities carried at \$15,107,004 in the above statement are deposited as required by law.

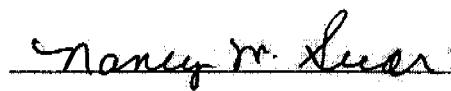
Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2003 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$166,895,955 and surplus as regards policyholders \$166,740,637.

I, DAVID A. BOWERS, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2003.

  
Corporate Secretary

State of Illinois      }  
 City of Schaumburg    }    SS:

Subscribed and sworn to before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 27th day of February, 2004.

  
Notary Public

